



State of Connecticut
Department of Developmental Services

DDS

Dannel P. Malloy
Governor

Morna A. Murray, J.D.
Commissioner

**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE PLANNING AND DEVELOPMENT COMMITTEE**

February 13, 2015

Senator Osten, Representative Miller and members of the Planning and Development Committee. I am Morna A. Murray, J.D., Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify in opposition to two bills before the committee today: **Proposed H.B. No. 5618 AN ACT CONCERNING COMMUNITY-BASED RESIDENTIAL FACILITIES** and **Proposed H.B. No. 6483 AN ACT ESTABLISHING A TASK FORCE TO STUDY GROUP HOME DISTRIBUTION.**

It is unclear the way **Proposed H.B. No. 5618** is drafted whether the recommendations formulated by the Manchester task force would apply to the whole state or just to the town of Manchester and also what types of residential programs would be affected. Regardless, DDS has serious concerns with many of the recommendations as they relate to individuals with intellectual and developmental disabilities.

DDS is strongly opposed to the requirement of municipal notification prior to the development of a Community Living Arrangement (CLA) more commonly referred to as a "group home". Additionally, the department cannot support legislation that allows for municipal review of placements in DDS funded residential programs. DDS supports approximately 20,000 individuals with intellectual or developmental disabilities in Connecticut. These individuals reside in family homes, community companion homes (CCHs), continuous residential supports (CRSs) and in over 870 CLAs that DDS licenses, funds, or directly operates. These individuals live and work, go to school, and enjoy the many opportunities that Connecticut communities provide. For those individuals funded by DDS living in communities, federal HIPAA protections and state laws do not permit DDS to divulge any information concerning an individual to municipal officials, neighbors, or concerned residents. This privacy protection is no different than that enjoyed by any community resident. However, DDS can assure communities that each individual we serve has an individualized service plan that identifies his or her specific needs. As a result of these planned services and supports, staff decisions are made to assure that the individual is successful in the community and is receiving the appropriate level of supervision and support. In addition, DDS CLAs are subject to rigorous licensing regulations and periodic quality management reviews.

Phone: 860 418-6000 ♦ TDD 860 418-6079 ♦ Fax: 860 418-6001
460 Capitol Avenue ♦ Hartford, Connecticut 06106
www.ct.gov/dds ♦ e-mail: ddsct.co@ct.gov
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DDS CLAs are also subject to rigorous licensing regulations and periodic quality management reviews. Town residents, who perceive any failure to adhere to licensing requirements, may seek to have the local authorities petition the DDS Commissioner to revoke a DDS CLA license on the grounds that such community residence is not in compliance with the provisions of any statute or regulation concerning the operation of such residence. To date, there have been few such petitions to the Commissioner because CLAs, licensed by DDS, are enormously successful in providing and maintaining a quality of life to which both residents and neighbors are entitled.

It would be contrary to established legal rights of individuals with intellectual disability or other disabilities to require notice to communities when a group home is first moving into an area. This would clearly violate their rights to live freely in the community and would reinforce long fought stereotypes about excluding people with disabilities from our communities. Persons with disabilities share the same rights as everyone else in choosing where to live. The Federal Fair Housing Act, originally created to protect the rights of minority groups to live where they choose, was extended in 1988 to specifically protect persons with disabilities. All of us are required to abide by this federal law.

The following laws apply to the siting of a DDS group home in Connecticut:

(1) **The Federal Fair Housing Act (42 U.S.C.3601 et seq.)** prohibits local zoning rules to discriminate in housing opportunities for the disabled and makes it unlawful to deny a dwelling to any buyer or renter because of a disability;

(2) **the Americans With Disabilities Act** prohibits discrimination on the basis of disability in employment, state and local government services, public transportation, public accommodations, commercial facilities, and telecommunications and requires that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity;

(3) **Connecticut General Statute 8-3e** requires that no zoning regulation shall treat "any community residence which houses six or fewer mentally retarded persons and necessary staff persons and which is licensed under the provisions of section 17a-227" in a manner different from any "single family residence"; and

(4) **the Connecticut Constitution, Article XXI of Amendments** provides for equal protection and non-discrimination for persons with physical or mental disabilities.

Although there is recourse available under state statute if a DDS group home is not run properly, such situations, as noted above, are almost non-existent. Private providers must comply with detailed contractual obligations as well as DDS licensing regulations. These regulations are available online at the following link: <http://www.ct.gov/dds/cwp/view.asp?a=2839&q=331634>

In the more than 870 CLAs statewide that are funded, licensed or directly operated by DDS, the Department will continue to encourage our providers and DDS employees to be good neighbors while respecting the legally protected privacy rights, and other legal rights, of individuals with intellectual disability. We respectfully request and encourage members of the legislature, as representatives for all Connecticut towns and cities, to do the same by not supporting this bill moving forward.

It is important to note that the federal government, through the Centers for Medicare and Medicaid Services (CMS) has recently issued clear guidance that individuals with intellectual and developmental disabilities should have the opportunity to live in the least restrictive setting possible. States are being asked to carefully review how and where residential supports and services are provided to individuals who are funded through federal Medicaid Home and Community-Based Waivers and there is now a heightened focus on community integration and choice.

While the cost of services and supports provided by the state is certainly worth review to ensure that state funds are being spent appropriately and prudently, homes for persons with disabilities should not be singled out as opposed to other households in a community that might have a higher reliance on community services and supports that are available to all residents.

I would like to add that specific addresses, as well as copies of all CLA licensing reports are available by town on the DDS website. In addition, DDS works closely with regional and municipal emergency response and management organizations to assure proper planning and response for individuals with intellectual disability. DDS understands that a good relationship with a municipality is important to DDS's continued success as a support system for individuals with intellectual disability. We will continue to do our best to maintain the trust that has been bestowed on the department by individuals, families, and all community stakeholders.

Thank you again for the opportunity to testify before you today. I would be happy to answer any questions that you might have, or you may contact Christine Pollio Cooney, DDS Director of Legislative and Executive Affairs at (860) 418-6066.